

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF SOUTH CAROLINA
 AIKEN DIVISION

| | | |
|---|---|----------------------------|
| T. Terell Bryan, #254638, a/k/a Terence |) | C/A No.: 1:10-2554-TLW-SVH |
| Terell Bryan, |) | |
| |) | |
| Plaintiff, |) | |
| vs. |) | |
| |) | |
| F.B.I.; S.L.E.D.; U.S. Attorney (S.C.); |) | ORDER |
| U.S. Attorney (Guam); Attorney General |) | |
| (S.C.); S.C.D.C.; Jon Ozmint; Donna |) | |
| Hodges; Jimmy Sligh; Linda Dunlap; |) | |
| Ann Moak; Russell Campbell; Gerri |) | |
| Miro; Robert Woods; Amy R. Enlow; |) | |
| Cathy C. Jones; Victoria O. Balogun; |) | |
| Nurse Tipton; Warden McCall; Doctor |) | |
| Benjamin F. Lewis, Jr.; Miriam |) | |
| Coccilone; James Simmons, III; |) | |
| Greenville Co. Clerk; Greenville Co. |) | |
| Solicitor; Greenville Co. Magistrate, |) | |
| |) | |
| Defendants. |) | |
| |) | |

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge Hodges recommends that defendants FBI, SLED, U.S. Attorney for S.C., U.S. Attorney for Guam, Attorney General of S.C., the Greenville County Clerk of Court, the Greenville County Solicitor, and Greenville County Magistrate Judge be dismissed from the above-captioned case without prejudice and without issuance and service of process. (Doc. # 124). The

plaintiff has filed objections to the Report. (Doc. # 138 & # 142).¹ Certain defendants have filed a response to plaintiff's objections. (Doc. # 140).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 124); plaintiff's objections are **OVERRULED** (Doc. # 138 & # 142); and defendants FBI, SLED, U.S. Attorney for S.C., U.S. Attorney for Guam, Attorney General of S.C., the Greenville County Clerk of Court, the Greenville County Solicitor, and Greenville County

¹As set forth in the Response to the Objections (Doc. # 140), it appears that plaintiff is confusing the time to file objections to the Report and Recommendation which recommends a summary dismissal of defendants FBI, SLED, U.S. Attorney for S.C., U.S. Attorney for Guam, Attorney General of S.C., the Greenville County Clerk of Court, the Greenville County Solicitor, and Greenville County Magistrate Judge with the pending motion to dismiss filed on September 6, 2011 and the response time allotted to him by the Court to respond to that dispositive motion. Plaintiff has been provided the appropriate time periods to respond to all filings.

Magistrate Judge are **DISMISSED** from the above-captioned case without prejudice and without issuance and service of process

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

October 21, 2011
Florence, South Carolina